

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOAN DOE and JANE POE, a minor, by  
JUDY POE and JOHN POE, her parents and  
natural guardians,

Plaintiffs,

vs.

UPPER ST. CLAIR SCHOOL DISTRICT,  
DR. PATRICK T. O'TOOLE, in his  
individual capacity; DR. TERRENCE  
KUSHNER, in his individual capacity; DR.  
MICHAEL GHILANI, in his individual  
capacity; DR. SHARON SURITSKY, in her  
individual capacity; LOU ANGELO, in his  
individual capacity; JACE B. PALMER, in  
his individual capacity; JENNIFER  
WAGNER, in her individual capacity;  
WESLEY SPECTRUM SERVICES; THE  
WESLEY INSTITUTE, INC.; WESLEY  
ACADEMY; THE WESLEY INSTITUTE,  
INC. d/b/a WESLEY ACADEMY;  
WESLEY SPECTRUM SERVICES  
FOUNDATION; ESTER R. VON  
WALDOW f/k/a Esther R. Haguel, in her  
individual capacity,

Defendants.

Civil Action No. 09-00338

JURY TRIAL DEMANDED

Judge Gary L. Lancaster

**STIPULATION FOR VOLUNTARY DISMISSAL  
OF DEFENDANTS DR. PATRICK O'TOOLE, DR. TERRENCE KUSHNER, AND DR.  
SHARON SURITSKY**

Plaintiffs, Joan Doe, Jane Poe, Judy Poe and John Poe, by and through their attorneys,  
John D. Perkosky, Esquire. Michael Murphy Esquire., and Amie Mihalko, Esquire. and all  
Defendants to this action, through their respective counsel, file this Stipulation and, in support  
thereof, set forth as follows:

1. Plaintiffs and Defendants file this Stipulation of Dismissal under Federal Rule of Civil Procedure 41(a)(1)(ii).

2. Plaintiffs commenced this action by the filing of a Complaint at the above number.

3. After completing discovery, Plaintiffs now wish to dismiss Defendant Dr. Patrick O'Toole, Dr. Terrence Kushner, and Dr. Sharon Suritsky from this suit.

4. None of the other Defendants object to this dismissal.

5. This dismissal is with prejudice.

WHEREFORE, the parties respectfully request that an appropriate Order be entered dismissing the Defendants Dr. Patrick O'Toole, Dr. Terrence Kushner, and Dr. Sharon Suritsky from the above-captioned action with prejudice.

Respectfully submitted,

ANDREWS & PRICE

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SO ORDERED, this 15<sup>th</sup> day of May, 2010.

G. L. Lancaster, C.J.  
Hon. Gary L. Lancaster, Chief U.S. District Judge